IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 467 of 2005

Between:

P. Prabhakar Reddy, S/o P.V. Rami Reddy, R/o H.No. 26, Sainagar Colony, Mushampally Road, Nalgonda District.

..... PETITIONER

AND

1. The Regional Transport Officer, DTC & SRTA, Ranga Reddy District.
2. The Assistant Motor Vehicle Inspector, Enforcement, DTC & SRTA, Ranga Reddy District.
3. The Commissioner of Transport, Government of Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ Order or direction more particularly in the nature of writ of Mandamus declaring the seizure of petitioners vehicle bearing No. APM 3178, dt. 18-12-2004 as illegal and improper and consequently direct the respondents to

receive the tax without penalty and to release the vehicle bearing No. APM 3178 and to pass such other order or orders.

Counsel for the Petitioner: MR.KOTAGIRI SREEDHAR.

Counsel for the Respondents: GP FOR TRANSPORT.

The Court at the stage of admission made the following:

THE HON'BLE SRI JUSTICE M.H.S.ANSARI

AND

THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

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W.P.NO.467 OF 2005

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ORAL ORDER:

(Per the Hon'ble Sri Justice Ansari)

Heard the learned counsel for both the parties.

The grievance of the petitioner in the instant case is that the tractor and the mixer machine seized by the 2nd respondent under vehicle check report dated 18-12-2004, has not been released to the petitioner and directions are accordingly sought in the instant writ petition for release thereof.

Admittedly, power is vested in the 2nd respondent and he is also competent to check and detain vehicles with regard to the violation of the Taxation Act or Motor Vehicles Act. We are therefore not inclined to go into the merits of the contentions with that aspect of the matter leaving it open to the 3rd respondent-authority to proceed in accordance with law.

As regards interim custody of the vehicle is concerned, needless to reiterate that it is the 1st respondent that is competent to grant interim custody of vehicle pending finalisation of the enquiry into alleged violation of the Taxation Act and the Motor Vehicles Act or the Rules made thereunder.

It does not appear that any such application has been made before the 1st respondent by the petitioner and the petitioner has directly approached this Court invoking the jurisdiction under Article 226 of the Constitution of India.

In such view of the matter, instant writ petition is disposed with directions as under:

If the petitioner makes appropriate application before the Secretary, Regional Transport Authority, Ranga Reddy District, the same shall be taken on record and disposed of expeditiously and preferably within a period of three days from the date thereof.

With the directions, the above writ petition is disposed of. No order as to costs.

M.H.S.Ansari, J

T.Ch.Surya Rao, J

mrk

20th January, 2005.

To

1. The Regional Transport Officer, DTC & SRTA, Ranga Reddy District.
2. The Assistant Motor Vehicle Inspector, Enforcement, DTC & SRTA, Ranga

Reddy District.

3. The Commissioner of Transport, Government of Andhra Pradesh, Hyderabad.

4. Two CCs to the G.P. for Transport, High Court of A.P., Hyderabad (OUT).

5. Two CD copies.